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59TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 259.

EASTERN CHEROKEES.

Mr. CLAPP presented the following

MEMORIAL OF THE EASTERN CHEROKEES, SUBMITTING A CERTAIN PROPOSED AMENDMENT TO THE INDIAN APPROPRIATION BILL.

JANUARY 30, 1907.—Ordered to be printed.

JANUARY 21, 1907.

SIR: In compliance with instructions from the permanent council of the Eastern Cherokees in the Indian Territory, we hereby respectfully ask the enactment of the following amendment to the Indian appropriation bill now under consideration, to wit:

1. That the Secretary of the Interior is hereby directed to pay out of the sum allowed to the Eastern Cherokees under the judgment of the Supreme Court, October term 1905, to those individuals and councilors entitled to the same under resolutions of April 29, 1904, and May 11, 1906, of the permanent council of the Eastern Cherokees and the order of said council of August 17, 1906, the sum of $4,405.

2. That the Secretary of the Interior is hereby directed to pay out of the sum awarded to the Eastern Cherokees under the judgment of the Supreme Court of the United States, October term 1905, to those individuals composing the executive committee of the Eastern Cherokees as follows, to-wit:

To David Muskrat	$6,000
To Levi B. Gritts	6,000
To Frank J. Boudinot	6,000
To J. Henry Dick, interpreter	6,000
In all	24,000

In support of the above request we attach hereto a complete transcript of the minutes of the proceedings of the permanent council of the Eastern Cherokees. The sum of $4,405 is the aggregate amount due the members of the Eastern Cherokee council according to the action of said council thereon; the names of the councilors, number of days' service, and amounts due to each being set out in detail on the last two pages of the transcript of proceedings. The amounts are extremely reasonable. As a matter of fact, they are far less than the actual sums expended by these members for their personal expenses in attending the councils of the Eastern Cherokees.

As to the amendment asked providing for pay for the members of the executive committee of the Eastern Cherokees, it is believed by us that the amount asked is also extremely reasonable. The committee were actively engaged during the major portion of about six years in the Indian Territory and Washington, D. C., in their official capacity as such executive committee. We believe that $1,000 per year should be paid, they having defrayed all of their expenses in the dozen or so

trips they have made, during the term of their service to Washington City from the Indian Territory, and also all their own expenses in attending the meetings of the councils at home.

DAVID MUSKRAT.
FRANK J. BOUDINOT.
J. HENRY DICK, *Interpreter.*
LEVI B. GRITTS.
Executive Committee Eastern Cherokees.

Hon. MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs.

JANUARY 18, 1907.

SIR: The undersigned, representative of the Eastern Cherokees in Indian Territory, in compliance with instructions of the permanent council of said Cherokees hereafter referred to, respectfully represent as follows: The Eastern Cherokees in Indian Territory claimed a large sum of money was due from the United States, to wit, $1,111,284.70, with interest thereon at 5 per cent per annum from June 12, 1838, until paid, due under the treaties of 1835 and 1846. The Cherokee Nation, a political organization, also claimed the said sum of money and opposed the claim of the Eastern Cherokees. In order to prosecute their claims in an orderly manner and to employ attorneys for that purpose, the Eastern Cherokees met in general convention on the 14th day of February, 1900, and adopted resolutions fully setting forth the grounds of their said claim against the United States and providing the manner for the collection of the same in their own behalf.

On the 3d day of the following April, 1900, another general convention of the Eastern Cherokees in Indian Territory met and established the permanent council of the Eastern or Emigrant Cherokees and formally ratified the contract theretofore, to wit, on February 24, 1900, entered into by and between the executive committee of the Eastern Cherokees and John Vaile, of Fort Smith, Ark., providing for the collection of their said claim. The tedious, valuable work done by the said executive committee and the attorneys employed by them during the years 1900 and 1901 is a matter of public record in the documents of Congress. After the enactment of the law of March 3, 1901, making all Indians in Indian Territory citizens of the United States, the Eastern Cherokees, by their executive committee, again entered into a similar contract for the collection of their claim with the same attorney, John Vaile. On the 4th of September, 1901, pursuant to call published in the newspapers the permanent council of the Eastern Cherokees again met and accepted, ratified, and confirmed the said contract by unanimous vote of the council.

On the 28th day of April, 1904, pursuant to regular call the permanent council of the Eastern Cherokees again met and, among other proceedings, passed a resolution providing for payment for the services of the members of the permanent council of Eastern Cherokees in Indian Territory. It will be noted that the amount provided per diem for the members was $5, and provision was also made for allowing time for coming from and returning home. The successful termination of the prosecution of this large claim by the Eastern Cherokees through attorneys employed, as fully shown in the exhibit hereto attached, is

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of very recent date, the decision in the Supreme Court of the United States in favor of the Eastern Cherokees for the sum of about $5,000,000 having been handed down last spring, 1906.

After the said decision on the 10th day of May, 1906, pursuant to regular call, the Eastern Cherokees met again and provided, among other things, that—

> Congress is hereby petitioned to authorize the Court of Claims to allow a reasonable fee to the members of our executive committee and interpreter and the other officers of the Eastern or Emigrant Cherokees for their services in the successful management of this great case.

On the 13th day of August, 1906, at the annual session of the permanent council of Eastern Cherokees the secretary of said committee was ordered to certify the time of services for officers and members according to resolutions theretofore passed, as follows:

Richard M. Wolfe	$1,000
Heirs of Daniel Redbird, deceased	250
Heirs of Wolfe Coon, deceased	125
George Pumpkin, Choteau	15
George Glass, Foyil	15
Johnson Manning, Tahlequah	125
William Eubands, Tahlequah	15
Wyly Bolin, Bunch	60
Charley Gettingdown, Stilwell	100
Charley Bendabout, Stilwell	100
Lincoln England, Barron	125
Oce Dew, Tahlequah	60
Robert Meigs, Tahlequah	125
Gilbert Ross, Vera	50
William Glory, Tahlequah	15
Tom Blair, Tahlequah	50
Blue Downing, Locustgrove	50
Jim Hildebrand, Zena	150
Eli Snell, South West City, Mo	95
Peter Doublehead, Stilwell	60
Youngdeer, Oaks	30
Chuie Wilson, Locustgrove	30
Joe Fox, South West City, Mo	65
Bill Mankiller, Stilwell	30
George Duck, Stilwell	45
Candy Mink, Stilwell	30
Stealer Swimmer, Tahlequah	40
Price Cochran, Hulbert	50
John Hicks, Gideon	120
John Sharp, Tahlequah	15
Dick Agent, Moody	45
Lewis Crapo, Campbell	15
Lewis Beamer, Moody	125
Nick Comingdeer, Tahlequah	125
Wilson Coming, Peggs	30
Soldier Tolen, Braggs	40
Jackson Redbird, Stilwell	80
John Tehee, Tahlequah	45
Paul Glass, Tahlequah	75
Lige Hildebrand, Zena	90
John Grass, Catoosa	100
Wm. J. McKee, Tahlequah	75
John C. Duncan, Ochelata	100
Wallace Ross, Chelsea	100
James W. Duncan, Tahlequah	75
Jesse Redbird, Stilwell	90
John Silk, Maple	30
Hon. Jas. M. Keys, Pryor Creek	125
Total	4,405

I respectfully ask in behalf of the members of the Eastern Cherokee council in Indian Territory that a recommendation be made providing for their pay according to the amounts set opposite their names in the last-named resolution. The amounts asked would not cover their actual expenses paid out, and while there is no liability of either the Government or the Eastern Cherokees, technically speaking, I respectfully submit that this people have actually done a great service to the whole body of Eastern Cherokees and they should be paid. The post-office address of each member is given, and where the post-office may not be given Tahlequah will be the correct place.

A copy of the proceedings of the minutes of all the meetings and resolutions of the permanent Cherokee council is attached hereto as "Exhibit A."

I should be very grateful to know that these people might be paid, but before asking Congress to provide for them I would like to have your views on the matter.

Very respectfully, FRANK J. BOUDINOT,
Secretary Eastern Cherokee Council.

Hon. MOSES E. CLAPP,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.

JANUARY 21, 1907.

I know of the above services and cordially approve the very reasonable request of the council.

Very respectfully, ROBT. Z. OWEN,
Attorney Eastern Cherokees.

Proceedings of the council on convention of the Eastern or Emigrant Cherokees, so-called, of the Cherokee Nation, assembled at Big Tuckers Springs, near Tahlequah, in the Cherokee Nation, on the 14th day of February, A. D. 1900, under authority of article second of the treaty of 1846, by and between the United States of America and the Eastern or Emigrant Cherokees and the other two parties into which the Cherokee Nation was then divided, for the purpose of carrying out the treaty of 1846 in the matter of the rights guaranteed to them by said treaty, and for other purposes.

Pursuant to call duly issued by the head captain of the Keetoowah Society of the Cherokee Nation, who are representatives Eastern or Emigrant Cherokees, and notices published in the Fort Gibson Post and other newspapers of general circulation in the Cherokee Nation, and under authority of the reservation made in the second article of the treaty of 1846 to them, as one of the "parties" which negotiated and concluded the said treaty with the United States, the Eastern or Emigrant Cherokees of the Cherokee Nation, assembled in general convention at Big Tuckers Springs, near Tahlequah, Cherokee Nation, on the 14th day of February, A. D. 1900, for the purpose of carrying out that treaty in regard to the rights of said Eastern or Emigrant Cherokees thereunder, and for other purposes.

At 2 o'clock in the afternoon the convention was called to order by Hon. Daniel Redbird, ex-senator of the Cherokee Nation and head captain of the Keetoowah Society, a representative Eastern or Emi-

grant Cherokee. Hon. David Muskrat, ex-senator and first assistant head captain of the Keetoowah Society, briefly stated the object of the convention as published in said notices, to be to provide for the collection from the Government of the United States of the amount of its indebtedness to the Eastern or Emigrant Cherokees, on account of moneys paid for the removal of the Eastern or Emigrant Cherokees to the Indian Territory by said Government and erroneously charged to the $5,000,000 "treaty fund" appropriated under the first article of the treaty of 1835 between the United States and the Cherokee Nation East; that said indebtedness or balance, whenever it shall have been appropriated by the Congress of the United States, will be subject to distribution per capita among said Eastern or Emigrant Cherokees exclusively, their heirs or legal representatives. Thereupon the convention organized permanently with the following officers:

Daniel Redbird, of Tahlequah district, ex-senator of the Cherokee Nation, head captain of the Keetoowah Society of Cherokees, an Eastern or Emigrant Cherokee, president.

David Muskrat, of Flint district, and Wolf Coon, of Going Snake district, first and second assistant head captains of the Keetowah Society, both ex-senators of the Cherokee Nation, Eastern or Emigrant Cherokees, respectively, first and second assistant presidents.

Daniel Gritts, of Tahlequah district, ex-prosecuting attorney, ex-councilor, ex-senator, heir to and legal representative of Eastern or Emigrant Cherokees, secretary (to keep records in Cherokee).

Frank J. Boudinot, of Illinois district, ex-clerk supreme court of the Cherokee Nation, ex-assistant executive secretary, heir to and legal representative of Eastern or Emigrant Cherokees, secretary (to keep records in English).

Charles D. Waters, of Tahlequah district, ex-prosecuting attorney for said district, heir to and legal representative of Emigrant or Eastern Cherokees, interpreter.

Whereupon a committee was selected consisting of the following-named persons, all Eastern or Emigrant Cherokees, or their heirs or legal representatives, to wit:

1. John Silk.
2. Charles D. Waters (ex-solicitor Tahlequah district).
3. Wyly Bolin (ex-councilor).
4. Charley Bendobout.
5. Frank J. Boudinot (ex-clerk supreme court, etc.).
6. Goose Standingdoor.
7. Lewis Beamer (ex-translator Cherokee Advocate).
8. Henry Saurjohn.
9. Charles Q. Gourd.
10. Mike Pritchett (ex-senator and councilor).
11. Wallace Ross (ex-superintendent national seminaries).
12. Benjamin Walker.
13. Jim Russell.
14. Dave Hitcher (member of senate).
15. T. B. Downing (ex-clerk of senate).
16. John R. Gourd (ex-councilor).
17. Eli Snell.
18. Red Bird.
19. Pickup Wolf.
20. Daniel Gritts (ex-senator and councilor).
21. Sam England (ex-solicitor of Going Snake district).
22. Charley Grittingdown (ex-solicitor Flint district).
23. Jack Soap (member of council).
24. Creek Sam (ex-councilor).
25. Nick Cunningdeer.
26. Oce Dew (ex-councilor).
27. Tillman England.
28. Phillips Bennett (ex-councilor).
29. Robert Meigs (ex-councilor).
30. Alex. D. Waters.
31. Lincoln England (member of council).
32. Blue Sixkiller.
33. Gilbert Ross.
34. Straler Swimmer.
35. George Vann.
36. William Rogers
37. Alex. Hawkins.
38. John C. Duncan.
39. Blue Johnson.
40. William Glory.

The said committees were instructed and authorized to take into consideration the object of the convention and to prepare the proper resolutions for its accomplishment.

The committee then went into executive session with Phillip Bennett as chairman, Daniel Gritts, Cherokee secretary, Frank J. Boudinot, English secretary, and Chas. D. Waters, interpreter. It being about 6 o'clock in the afternoon, the committee adjourned until February 15, 1900, to meet at 8 o'clock in the morning.

General convention grounds, Bug Tuckers Spring, near Tahlequah, in the Cherokee Nation, February 15, 1900.

The committee having in charge the adoption of proper resolutions for the accomplishments of the object of the convention of Eastern or Emigrant Cherokees, met pursuant to adjournment at 9 o'clock in the morning.

The chairman was present and presided. The roll was called and a majority of the committee answered to their names. After singing by the committee, prayer was offered by Blue Sixkiller. John R. Gourd, a member of the committee, was ill and unable to attend the convention, and Paul Gloss, an Eastern or Emigrant Cherokee, was appointed in his stead. Will Glory and Blue Johnson, Eastern or Emigrant Cherokees, were also added to the committee. The roll being called again, all the members of the committee were present. Upon motion Lewis Beamer was selected as assistant interpreter and J. H. Dick was also asked to assist in the proper interpretation of the proceedings before the committee. The day was spent in discussion of various proposed resolutions, and at 6 o'clock in the evening the committee adjourned to meet in the public schoolhouse, on the convention grounds, at 9 o'clock on the morning of February 16, 1900.

Schoolhouse, general convention grounds, Bug Tuckers Springs, near Tahlequah, Cherokee Nation, February 16, 1900.

The committee having in charge the adoption of proper resolutions providing for the collection of moneys due from the United States, appointed by the convention of Eastern Cherokees, met pursuant to adjournment. The roll was called and a quorum was present. A resolution having been proposed, after the same had been read and interpreted three several times, and thoroughly discussed at length and in detail, the following set of resolutions were adopted and approved by the committee and officers of the convention:

RESOLUTIONS.

Whereas in a report dated April 28, 1894, signed by James A. Slade and Joseph T. Bender, duly authorized accounting agents for the Government of the United States, appointed under the agreement between the United States and the Cherokee Nation, dated December 19, 1891, and ratified by Congress March 3, 1893, to render to the Cherokee Nation a complete account of moneys due under any of the treaties ratified in the years 1817, 1819, 1825, 1828, 1833, 1835, 1836, 1846, 1866, 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect, it appears that the United States Government is indebted to the fund, known and described as the "five-million-dollar treaty fund," appropriated under the first article of the treaty of 1835 between the United States and the Cherokee Nation East, in the sum of $1,111,284.70, with interest from June 12, 1838, until paid; and

Whereas said sum of $1,111,284.70, with interest as aforesaid, whenever the same shall have been appropriated by the Congress of the United States, and duly placed to the credit of the said "treaty fund," will be subject to distribution according to treaty stipulations only—that is to say, according to, and in compliance with the fifteenth article of the treaty of 1835, which provides that, after deducting all proper charges from the said $5,000,000, "the balance, whatever the same may be, shall be equally divided between all the people belonging to the Cherokee Nation East," and the ninth article of the treaty of 1846, wherein it is stipulated that any balance found to be due from said five-million "treaty fund," after subtracting all amounts and expenditures properly chargeable thereto, "shall be paid over, per capita, in equal amounts, to all those individuals, heads of families, or their legal representatives, entitled to receive the same under the treaty of 1835, being all those Cherokees residing East at the date of said treaty and the supplement thereto; and

Whereas the Cherokee Nation, as a nation, has no interest or title whatever in or to the $1,111,284.70, with interest, due as stated above, and has been, moreover, rendered utterly powerless to either collect or disburse the same for or to the individual Cherokees described above, more commonly known and referred to as "Eastern or Emigrant Cherokees," by the act of Congress approved June 28, 1898, entitled, "An act for the protection of the people of the Indian Territory, and for other purposes," which provides in article 19 "That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual, in lawful money of the United States; and

Whereas it is the earnest desire of the "Eastern or Emigrant Cherokees" to secure a speedy settlement by the Government of the United States of its indebtedness to them, hereinbefore described, in strict compliance with the agreements and treaty stipulations referred to above:

Therefore, by virtue of the authority and right reserved in the second article of the treaty of 1846 between the United States and the people of the Cherokee Nation to them as a "portion" of the Cherokee people "peaceably to assemble and petition * * * the Government of the United States for the redress of grievances and to discuss their rights," and in the exercise of the further right reserved to them, in the same article and treaty, to maintain an organization, as one of the "parties" into which the Cherokee Nation was then divided, in so far only as may be necessary to carry out the said treaty,

Be it resolved, by those persons described in the ninth article of the treaty of 1846 between the United States and the people of the Cherokee Nation, their heirs, or legal representatives, commonly called "Eastern or Emigrant Cherokees," that it is the opinion and firm belief of the said "Eastern or Emigrant Cherokees" that the Government of the United States of America is justly and legally indebted to the $5,000,000 fund, appropriated under the treaty of 1835, known as the "treaty fund," in the sum of $1,111,284.70, with interest on the same at the rate of 5 per cent per annum from the 12th day of June, A. D. 1838, until date of payment.

Resolved further, That it is the opinion and firm belief of the "Eastern or Emigrant Cherokees," sole and exclusive beneficiaries of said "treaty fund," that in the accounting rendered April 28, 1894, by James A. Slade and Joseph T. Bender, specially authorized agents of the United States, which accounting was made in compliance with the agreement for the sale of and as a part of the consideration for the Cherokee Outlet, the Government of the United States has acknowledged the validity of its said indebtedness in an obligatory and irrevocable manner, and that as a matter of right and justice said amount of money ought to have been appropriated by Congress long ago and distributed among said Cherokees according to stipulations contained in the fifteenth article of the treaty of 1835 and in the ninth article of the treaty of 1846.

Resolved further, That the "Eastern or Emigrant Cherokees," hereinbefore fully described and in general convention here assembled, do hereby positively assert that they, their heirs, lawful assigns, or legal representatives are solely and exclusively the only persons who will ever be entitled to receive any part of the said $1,111,284.70 balance or residuum of the $5,000,000 "treaty fund" appropriated under the treaty of 1835, with interest as aforesaid, and they do hereby also emphatically deny and dispute the lawful right or authority of the national council of the Cherokee Nation to appropriate or promise any portion whatsoever of said amount, whether in consideration of its collection from the Government of the United States or for any other purpose, excepting it be expressly for their benefit and with their consent or acquiescence thereto.

Resolved further, That it is hereby solemnly declared to be the intention, determination and fixed purpose of the "Eastern or Emigrant Cherokees," sole and exclusive beneficiaries of any balance, or residuum of the $5,000,000 "treaty fund," which balance, or residuum, is now known to be $1,111,284.70, with interest as aforesaid, to prosecute the collection of the said indebtedness from the Government of the United States themselves, as such sole beneficiaries, and the only parties in the Cherokee Nation really interested, relying for their authority so to do upon the rights reserved to them, as a "portion of the Cherokee people," and as one of the "parties" of the Cherokee Nation, in the second article of the treaty of 1846 between the United States and the people of the Cherokee Nation hereinbefore referred to: Therefore

Be it further resolved, That the president, first assistant president, and second assistant president of this convention of "Eastern or Emigrant Cherokees," who are also the head captains of the Keetoowah Society of the Cherokee Nation, be, and they are hereby, authorized and directed to appoint a committee of three persons, all to be citizens of the Cherokee Nation and members of that class of Cherokees known and herein described as "Eastern or Emigrant Cherokees," which committee, when so appointed, shall be known as the "executive committee of the Eastern or Emigrant Cherokees," and they shall have, and they are hereby given, full and complete authority, and their duty shall be, in the name of and for and in behalf of said "Eastern or Emigrant Cherokees," to do and perform every act and thing whatsoever that shall be necessary to secure the payment at the earliest possible date, by the Government of the United States, of the said sum of $1,111,284.70, with interest from June 12, 1838, until paid, to the "Eastern or Emigrant Cherokees," hereinbefore described and now more particularly designated as being those Cherokees who participated in the per capita distribution of part of the said "treaty fund" made by superintendent of Indian Affairs John Drennan, in 1852 and whose names appear upon the pay rolls then used, their heirs, legal representatives, or lawful assigns. The said "executive committee" shall have power, and it is hereby made their duty to request and demand of the United States, through the proper channels, and in the name of the "Eastern or Emigrant Cherokees," the payment of its said indebtedness, and the said committee are hereby especially empowered and directed to contract with and employ attorneys of known ability, or other persons of good reputation and recognized influence at Washington, D. C., to assist in the collection of said indebtedness. Said committee, or the person or persons whom they may employ to assist them in their labors, shall have, and they are hereby given, full authority to represent and act for, and in the name of the "Eastern or Emigrant Cherokees," in the matter of the collection of the said indebtedness, before any Department or Departments or courts of the United States Government, or the committee of Congress.

Resolved further, That there be, and is hereby, set apart of said indebtedness, a sum equal to 15 per cent of the total amount thereof, when the same shall be appropriated by the Congress of the United States, or so much thereof as may be necessary, subject to assignment and contract of said "executive committee," acting in the name, and for and in behalf of the "Eastern or Emigrant Cherokees," all such contracts to be approved by the Secretary of the Interior according to law (if necessary), for services of the persons said committee may employ to assist them, as above authorized, and to meet and defray all other expenses necessarily incurred and incident to, or growing out of, the prosecution of said collection: *Provided*, That any contract concluded by said "executive committee," in pursuance of the authority given them herein, assigning or agreeing to assign, or transfer any portion of said 15 per cent set aside as aforesaid, for services in making the collection, shall be limited, and shall continue in force until July 1, 1903, and no longer; except in case said indebtedness shall have then been referred to the United States courts or other tribunal for settlement, then and in the event, such contracts, assignments, or agreements, shall be and remain in full force and effect: *Provided further*, That said "executive committee" shall have, and they are hereby, given authority to pledge or otherwise dispose of a portion of said 15 per cent set aside herein to the extent of one-fifteenth thereof; the sum realized from the pledge or disposal of such portion to be used by said "executive committee" for the necessary expenses of said committee in carrying out the intent and purposes expressed in these resolutions.

Be it further resolved, That said "executive committee" shall from time to time, at intervals of not more than six months, make a detailed report of all their transactions under and by virtue of the authority and instructions herein given them, to the presiding officer of the "Eastern or Emigrant Cherokees."

Be it further resolved, That a certified copy of these resolutions be furnished to each member of the said "executive committee" for their use and information.

Upon the adoption of the foregoing resolutions, by motion duly made and carried, the secretaries were ordered to furnish the press, or some newspaper published in the Cherokee Nation, with a copy thereof for publication.

The presiding officer of the convention and his two assistants, under authority conferred upon them in said resolutions, appointed David Muskrat, of Flint district; Daniel Gritts, of Tahlequah district, and Frank J. Boudinot, of Illinois district, citizens of the Cherokee Nation, and of the class designated as "Eastern or "Emigrant Cherokees," as "the executive committee of the Eastern or Emigrant Cherokees," as authorized therein.

The purpose for which the convention was called being accomplished the committee and convention adjourned, subject to call of the president.

Witness our hands officially.

DANIEL REDBIRD,
President of the Council of the Eastern or Emigrant Cherokees

FRANK J. BOUDINOT,
English Secretary.

CHAS. D. WATERS,
Interpreter.

DANIEL GRITTS,
Cherokee Secretary.

I hereby certify that the foregoing eighteen and one-fourth pages of writing, paged 5 to 23 (both inclusive), is a true and correct copy of the minutes of the proceedings of the council or convention of the Eastern or Emigrant Cherokees of the Cherokee Nation held on the 14th, 15th, and 16th days of February, A. D. 1900, at the general convention grounds near Tahlequah, in the Cherokee Nation, as kept by me at the time and as recorded and indorsed by order of said Cherokees before the adjournment of said council or convention on the 16th day of February, A. D. 1900. I further certify that I am the English secretary for the organization of said Eastern or Emigrant Cherokees, the custodian of said record, and the proper person to make this certificate. I further certify that I have caused the original record, of which the foregoing is a copy, to be deposited in a safe-deposit vault in the city of Washington, D. C., for safe-keeping.

In witness whereof I hereunto attach my hand officially on this the 16th day of March, A. D. 1901.

FRANK J. BOUDINOT,
English Secretary of the Eastern or Emigrant Cherokees.

CALL OF EASTERN, OR EMIGRANT CHEROKEE COUNCIL.

The Eastern or Emigrant Cherokee council is hereby called to meet on Tuesday, April 3, 1900, at the general convention grounds at Bug Tuckers Springs, Tahlequah district, Cherokee Nation, to receive reports of committee, to discuss the rights of the Eastern or Emigrant Cherokees, and to take such action relative thereto as may be found expedient.

DANIEL REDBIRD,
President Eastern or Emigrant Cherokee Council.

DANIEL GRITTS,
Secretary.

The above notice was published in the Fort Gibson Post and in the Tahlequah Arrow, respectively, March 22, 1900, and March 29, 1900. Four copies of the papers containing the notice (the Tahlequah Arrow of March 22 and 29 and the Fort Gibson Post of March 22 and 29) I have caused to be deposited with the original records, copies of which are contained in this book.

FRANK J. BOUDINOT,
Secretary of the Eastern or Emigrant Cherokees.

Copy of contract entered into on the 24th day of February, 1900, by and between David Muskrat, Daniel Gritts, and Frank J. Boudinot, "executive committee of the Eastern or Emigrant Cherokees," party of the first part, and John Vaile, party of the second part, under the authority of and in compliance with the resolutions of the Eastern or Emigrant Cherokee convention and council, adopted on the 16th day of February, A. D. 1900, hereinbefore recorded.

Contract between David Muskrat, of Flint district; Daniel Gritts, of Tahlequah district, and Frank J. Boudinot, of Illinois district, the executive committee of the Eastern or Emigrant Cherokees, and John Vaile, of Fort Smith, Ark., for the collection of certain moneys due the Eastern or Emigrant Cherokees.

Know all men by these presents that this contract, made in writing and in duplicate, a copy whereof is hereby delivered to each of the contracting parties, witnesses that we, David Muskrat, attorney, of Flint district; Daniel Gritts, attorney for Talequah district, and Frank J. Boudinot, of Fort Gibson, Illinois district, attorney at law, all being residents of the Cherokee Nation and constituting the "executive committee of the Eastern or Emigrant Cherokees," under the authority of the convention and council of the Eastern Cherokees, by resolution duly passed at Bug Tuckers Springs, Cherokee Nation, on the 16th day of February, A. D. 1900, a copy of which is hereto attached and made a part hereof, parties of the first part, and John Vaile, counselor, of Fort Smith, State of Arkansas, party of the second part, contract and agree as follows, to wit:

First. This contract is made at Fort Smith, in the State of Arkansas, on the 24th day of February, 1900, for the purpose of collecting the money due to the Eastern or Emigrant Cherokees under the treaties between the Cherokee Nation and the United States, and particularly under the fifteenth article of the treaty of 1835 and the ninth article of the treaty of 1846, said money being due by the United States and being particularly set forth in the so-called "Slade-Bender" report, as rendered by them on the 28th of April, 1891, and found on page 32, Executive Document 132, House of Representatives, Fifty-third Congress, third session, in the second item of their said findings, to wit:

"Under the treaty of 1835, amount paid for removal of Eastern Cherokees to the Indian Territory, improperly charged to treaty fund, $1,111,284.70, with interest from June 12, 1838, to date of payment."

Said money when collected is to be disposed of when collected in the manner set forth in the ninth article of the treaty of 1846 and paid out per capita to the Eastern or Emigrant Cherokees or their legal representatives, except the fees hereby set apart and contracted by the parties of the first part to the party of the second part for his services and the services of his associates or assigns, to wit, the sum of 15 per centum of all sums appropriated to the use or benefit of the said Eastern or Emigrant Cherokees by the Congress of the United States on account of such claim. The said party of the second part hereby agrees to immediately proceed to the collection of the said money and to pay all of the expenses which may be incurred by him or by his associates in the prosecution of the said collection without any expense to the parties of the first part, and the parties of the first part do, for valuable consideration, hereby acknowledged to have been received, hereby set apart, contract, and assign to the said party of the second part and his associates or assigns the sum of 15 per centum of any recoveries to the Eastern or Emigrant Cherokees as we are authorized to do under the resolution of the council of said Eastern or Emigrant Cherokees as above referred to, and the said party of the second part is hereby authorized to execute a receipt for the said fee of 15 per centum when the same shall have been appropriated by the officers of the United States in the name and on behalf of the said Eastern or Emigrant Cherokees. The party of the second part further expressly agrees that the payment of said

fee of 15 per centum shall cover and include all expense of any kind and character whatever.

The above contract shall be limited in time and shall continue in force until July 1, 1903, and no longer, except in case the question as to said indebtedness shall have been referred to the courts or other tribunal for settlement, then and in that event such contract and assignments or agreements thereunder shall be and remain in full force and effect.

It is further agreed that the party of the second part shall at intervals of six months make a detailed report of the status of the said claim to be transmitted to the president of the council of Eastern or Emigrant Cherokees for the information of the people.

In witness whereof we do hereto attach our hands and seals on this the 24th day of February, 1900, at Fort Smith, Ark.

Parties of the first part, the executive committee of the Eastern or Emigrant Cherokees:

DAVID MUSKRAT.
DANIEL GRITTS.
FRANK J. BOUDINOT.

Party of the second part.

JOHN VAILE.

INTERPRETERS' CERTIFICATE.

We, J. Henry Dick, of Tahlequah, and Joseph R. Sequitchie, of Chelsea, both of Indian Territory, hereby certify that we have carefully interpreted the above contract to David Muskrat and Daniel Gritts, and that they fully understand and indorse it as drawn in accordance with their direction, and that they sign it of their own free will and accord and for the purposes therein set forth.

Witness our hands this the 24th day of February, 1900.

J. HENRY DICK.
JOSEPH R. SEQUITCHIE.

UNITED STATES DISTRICT FOR THE WESTERN DISTRICT OF ARKANSAS, *Fort Smith:*

This day personally appeared before me the parties to the above contract, to wit, David Muskrat, of Flint district; Daniel Gritts, of Tahlequah district, and Frank J. Boudinot, of Fort Gibson, all of the Cherokee Nation, parties of the first part, and John Vaile, of Fort Smith, Ark., party of the second part, as stated to me at the time, who executed the above contract in my presence at the city of Fort Smith, on the 24th day of February, 1900, all of said parties being present and executing the same in person, said contract having been interpreted to David Muskrat and Daniel Gritts in my presence, as certified above by J. Henry Dick and Joseph R. Sequitchie. The parties of the first part claimed to be authorized as the executive committee of the Eastern or Emigrant Cherokees under the authority of a resolution of the council and convention of the Eastern or Emigrant Cherokees held at the general convention grounds at Bug Tuckers Springs, near Tahlequah, Cherokee Nation, on the 16th day of February, 1900, authorizing them to contract not exceeding 15 per cent of any sum or sums collected for the said Indians. [Copy hereto attached.]

In witness whereof I hereunto attach my hand on this the 24th day of February, A. D. 1900.

JOHN H. ROGERS,
United States District Judge Western District of Arkansas.

I hereby certify that the foregoing 6¾ pages of writing, paged 25 to 31 (both inclusive), is a true and complete copy of the contract between the Eastern or Emigrant Cherokees of the Cherokee Nation, by their duly authorized executive committee, David Muskrat, Daniel Gritts, and Frank J. Boudinot, and John Vaile. I further certify that the original contract is in my possession, and that I am the rightful custodian of the same as the secretary of said executive committee and of the Eastern or Emigrant Cherokees, and the proper person to make this certificate.

In witness whereof I hereunto attach my hand officially on this the 16th day of March, A. D. 1901.

FRANK J. BOUDINOT,
Secretary of the Eastern or Emigrant Cherokees and of their Executive Committee.

Proceedings of the convention and the permanent council of the Eastern Cherokees, so called, as described by article 9 of the treaty of 1846, assembled at Bug Tuckers Springs, near Tahlequah, in the Cherokee Nation, at the general convention grounds, on Tuesday, the 3d day of April, 1900, for the purpose of carrying out the treaty of 1846 in the matter of the rights guaranteed to them by said treaty, and for other purposes.

Pursuant to the following call, duly issued by Daniel Redbird, president of the Eastern Cherokee council, as heretofore organized, and Daniel Gritts, secretary, dated March 13, 1900, and duly published in the Fort Gibson Post and Tahlequah Arrow, and otherwise given general circulation throughout the Cherokee Nation, which call was in the words and figures following, to wit:

CALL OF EASTERN OR EMIGRANT CHEROKEE COUNCIL.

The Eastern or Emigrant Cherokee council is hereby called to meet on Tuesday, April 3, 1900, at the general convention grounds at Bug Tuckers Springs, Tahlequah district, Cherokee Nation, to receive reports of committees, to discuss the rights of the Eastern or Emigrant Cherokees, and to take such action relative thereto as may be found expedient.

DANIEL REDBIRD,
President Eastern or Emigrant Cherokee Council.
DANIEL GRITTS,
Secretary.

and the said call of the convention being in pursuance of the authority of the resolutions passed by the Eastern or Emigrant Cherokee convention or council of February 16, 1900, which said convention or council has been duly called through the authority of Daniel Redbird, David Muskrat, and Wolf Coon, the head captains of the Keetoowah Society of the Cherokee Nation, an organization established for over forty years and representing 15,000 Eastern or Emigrant Cherokees, and the only organization practically composed entirely of said Eastern Cherokees, the said committee, under the call aforesaid, was called to order at 2 o'clock in the afternoon on this the 3d day of April, 1900, at the general convention grounds at Bug Tuckers Springs, near Tahlequah, in the Cherokee Nation, by Daniel Redbird, president, acting as temporary chairman.

The convention being opened by business, the following motion was offered by Mr. Frank J. Boudinot, of Illinois district:

Mr. BOUDINOT. Mr. Chairman, I move that this convention do now organize and that the officers elected at the convention of the Eastern Cherokees on February 14, 1900, be declared the permanent officers of this convention.

Said motion being seconded by Mr. John C. Duncan, of Tahlequah district, was consented to without objection by the convention, with Daniel Redbird, of Tahlequah district, president; David Muskrat, of Flint district, first assistant president; Wolf Coon, of Going Snake district, second assistant president; Daniel Gritts, of Tahlequah district, secretary to keep records in Cherokee; Frank J. Boudinot, of Illinois district, secretary to keep records in English; Charles D. Waters, of Tahlequah district, interpreter.

Whereupon the following resolution was offered by Mr. Wallace Ross, of Tahlequah district, to wit:

Be it resolved by this convention of the Eastern Cherokees, That a permanent organization of the Eastern Cherokees be, and is hereby, established, to consist of a permanent president, first and second assistant presidents, a secretary to keep records in Cherokee,

and a secretary to keep records in English, and an interpreter, and a permanent council, consisting of members to be nominated from each district of the Cherokee Nation by the president of this convention; and that the present officers of this convention are hereby made the permanent officers of said Eastern Cherokee Council.

Said resolution having been agreed to unanimously by the convention, a recess of forty minutes was ordered for the purpose of giving the president opportunity to consult the leaders of the several districts for the purpose of appointing representative men as members of the permanent council from the respective districts and to secure members whose future attendance might be relied on.

After recess, the convention having been called to order, the following-named members were announced as having been appointed by the president:

Cooweescoowee district.—James M. Keys, George Pumpkin, Joe R. Sequichie, George Glass, John Grass.

Delaware district.—Joe Coming, Peter Nick, Jim Hildebrand, Lincoln Tawie.

Saline district.—Charley Ketcher, George Potatoe, John Sharp.

Flint district.—Wyly Bolin, Charley Gettingdown, Charley Bendabout.

Sequoyah district.—Thomas Blair, John C. Duncan, Blue Dawning.

Canadian district.—James Duncan, William Eubanks, Wallace Ross.

Going Snake district.—Ben Macker, Lincoln England, Oce Dew.

Tahlequah district.—Phillip Bennett, Robert Meigs, Alex. Deerinthewater, Gilbert Ross, Will Glory.

Illinois district.—R. M. Walker, E. A. Walker, Johnson Manning, Frank J. Boudinot.

Mr. R. M. Walker, member of the Cherokee National Council from Illinois district, then sent the following resolution to the president's desk and asked that it be agreed to and made a part of the proceedings, which was done without a dissenting voice, to wit:

Resolution No. 2.

Be it resolved by this convention of the Eastern Cherokees: That the appointments of the president of this convention of officers and members of a permanent organization of the Eastern Cherokees are hereby ratified and confirmed as the permanent council of the Eastern Cherokees; and that the said council shall be and is hereby fully authorized and directed to take such steps as shall be found expedient in making or approving contracts or doing other things necessary to the management and collection of the amount due the Eastern Cherokees under the 9th article of the treaty of 1846, and under the treaties of 1828, 1835, 1846, the agreement of 1891, the Slade-Bender award, and any and all laws in relationship to said treaties or any parts thereof; and the said council shall be, and is hereby, authorized to pass upon the reports of the executive committee heretofore appointed on February 16, 1900, which executive committee is hereby confirmed with the authority granted them on that date.

Frank F. Boudinot, member of the executive committee, thereupon stated to the convention that the chairman of the committee, Hon. David Muskrat, and the other member, Hon. Daniel Gritts, were both very ill at their respective homes and could therefore not possibly be present, but that the report of said executive committee was fully prepared in writing and he was ready to submit the same to the convention. Mr. Boudinot read the report of the executive committee of the Eastern Cherokees, including the contract entered into by them with John Vaile, of Fort Smith, Ark., for the collection of the amount due the Eastern Cherokees from the Government of the United States. The convention was highly pleased with the report of the work done

by the executive committee, and the president instructed Mr. Boudinot to submit his report to the council of the Eastern Cherokees when said council should assemble and be ready to consider the same.

There being no further business before the convention, upon motion duly made by Mr. George Sanders, ex-senator of the Cherokee Nation, from Saline district, which was duly seconded and carried, the convention adjourned sine die.

MEETING OF THE COUNCIL OF THE EASTERN CHEROKEES.

The permanent council of the Eastern Cherokees, consisting of the following-named members, to wit:

Cooweescoowee district.—James M. Keys, Eastern Cherokee family; George Pumpkin, Eastern Cherokee; Joe R. Sequitcher, Eastern Cherokee; George Glass, Eastern Cherokee; John Grass, Eastern Cherokee family.

Delaware district.—Joe Coning, Eastern Cherokee; Peter Nick, Eastern Cherokee; Jim Hildebrand, Eastern Cherokee; Lincoln Tawie, Eastern Cherokee.

Saline district.—Charley Ketcher, Eastern Cherokee; George Potatoe, Eastern Cherokee; John Sharp, Eastern Cherokee.

Going Snake district.—Ben Mocker, Eastern Cherokee; Lincoln England, Eastern Cherokee; Oce Dew, Eastern Cherokee.

Flint district.—Wyly Bolin, Eastern Cherokee; Charley Gettingdown, Eastern Cherokee; Charley Bendabout, Eastern Cherokee.

Tahlequah district.—Phillip Bennett, Eastern Cherokee; Robert Meigs, Eastern Cherokee; Alex. Deerinthewater, Eastern Cherokee; okee; Gilbert Ross, Eastern Cherokee; Will Glory, Eastern Cherokee.

Sequoyah district.—Thomas Blair, Eastern Cherokee; John C. Duncan, Eastern Cherokee; Blue Dawning, Eastern Cherokee.

Illinois district.—R. M. Walker, Eastern Cherokee; E. A. Walker, Eastern Cherokee; Johnson Manning, Eastern Cherokee; Frank J. Boudinot, Eastern Cherokee.

Canadian district.—James Duncan, Eastern Cherokee; William Eubanks, Wallace Ross, Eastern Cherokee, and Daniel Redbird, of Tahlequah district, president, and Frank J. Boudinot, of Illinois district, secretary to keep records in English, having assembled, the council was called to order by the president. It being announced that Daniel Gritts, secretary to keep records in Cherokee, and Charles D. Waters, interpreter, were both too ill at their homes to attend the council, Joe. R. Sequitchie, of Cooweescoowee district, was selected to act as secretary pro tem. to keep records in Cherokee, and William Eubanks and J. Henry Dick were made the interpreters of the council. Whereupon reports of committees being in order, and in the absence of Hon. David Muskrat, chairman, and Daniel Gritts, member of the executive committee, Hon. Frank J. Boudinot, member of the executive committee of the Eastern Cherokees, submitted the following report, to wit:

GENERAL CONVENTION GROUNDS,
BIG TUCKERS SPRINGS, TAHLEQUAH DISTRICT, CHEROKEE NATION,
April 3, 1900.

Hon. DANIEL REDBIRD,
President of the Eastern Cherokee Council.

SIR: In compliance with the requirements of a resolution of the council of the Eastern or Emigrant Cherokees, adopted on the 16th day of February, 1900, we, the undersigned, executive committee of the Eastern or Emigrant Cherokees, have the honor to make the following report:

The committee acting under the authority conferred upon them by resolution of said council, have entered into a contract on behalf of the Eastern or Emigrant Cherokees, with John Vaile, of Fort Smith, Ark., in words, form and figures, as follows, to wit:

Contract between David Muskrat, of Flint district, Daniel Gritts, of Tahlequah district, and Frank J. Boudinot, of Illinois district, the executive committee of the Eastern or Emigrant Cherokees, and John Vaile, of Fort Smith, Ark., for the collection of certain moneys due the Eastern or Emigrant Cherokees.

Know all men by these presents:

That this contract made in writing and in duplicate, a copy whereof is hereby delivered to each of the contracting parties, witnesseth that we, David Muskrat, attorney, of Flint district, Daniel Gritts, attorney, of Tallequah district, and Frank J. Boudinot, of Illinois district, attorney at law, all being residents of the Cherokee Nation and constituting the "Executive committee of the Eastern or Emigrant Cherokees" under the authority of the convention and council of the Eastern Cherokees, by resolution duly passed at Bug Tuckers Springs, Cherokee Nation, on the 16th day of February, A. D. 1900, a copy of which is hereto attached and made a part hereof, parties of the first part, and John Vaile, counselor, of Fort Smith, State of Arkansas, party of the second part, contract and agree as follows, to wit:

First. This contract is made at Fort Smith, in the State of Arkansas, on the 24th day of February, 1900, for the purpose of collecting the money due the Eastern or Emigrant Cherokees under the treaties between the Cherokee Nation and the United States, and particularly under the fifteenth article of the treaty of 1835 and the ninth article of the treaty of 1846, said money being due by the United States and being particularly set forth in the so-called Slade-Bender report as rendered by them on the 28th of April, 1894, and found on page 32, House Executive Document No. 182, Fifty-third Congress, third session, in the second item of their said findings, to wit:

"Under the treaty of 1835, amount paid for removal of Eastern Cherokees to the Indian Territory, improperly charged to treaty fund, $1,111,284.70, with interest from June 12, 1838, to date of payment."

Said money when collected is to be disposed of when collected in the manner set forth in the ninth article of the treaty of 1846 and paid out per capita to the Eastern or Emigrant Cherokees or their legal representatives, except the fee hereby set apart and contracted by the parties of the first part to the party of the second part for his services and the services of his associates or assigns, to wit: The sum of 15 per centum of all sums appropriated to the use or benefit of the said Eastern or Emigrant Cherokees by the Congress of the United States on account of such claim.

The said party of the second part hereby agrees to immediately proceed to the collection of the said money and to pay all of the expenses which may be incurred by him or by his associates in the prosecution of the said collection without any expense to the party of the first part, and the parties of the first part do, for valuable consideration hereby acknowledged to have been received, hereby set apart, contract, and assign to the said party of the second part and his associates or assigns the sum of 15 per centum of any recoveries to the Eastern or Emigrant Cherokees, as above referred to, and the said party of the second part is hereby authorized to execute a receipt for the said 15 per centum when the same shall have been appropriated, or execute any other proper releases required by the officers of the United States in the name and on behalf of the said Eastern or Emigrant Cherokees; the party of the second part further expressly agrees that the payment of the said fee of 15 per centum shall cover and include all expense of any kind and character whatever.

The above contract shall be limited in time and shall continue in force until July 1, 1903, and no longer, except in case the question as to said indebtedness shall have been referred to the courts or other tribunal for settlement, then and in that event such contract and assignments, or agreements thereunder, shall be and remain in full force and effect.

It is further agreed that the party of the second part shall at intervals of six months make a detailed report of the status of the said claims to be transmitted to the president of the council of Eastern or Emigrant Cherokees for the information of the people.

In witness whereof we do hereto attach our hands and seals on this, the 24th day of February, 1900, at Fort Smith, Ark.

Parties of the first part, the executive committee of the Eastern or Emigrant Cherokees:

DAVID MUSKRAT.
DANIEL GRITTS.
FRANK J. BOUDINOT.

Party of the second part:

JOHN VAILE.

INTERPRETERS' CERTIFICATE.

We, J. Henry Dick, of Tahlequah, and Joseph R. Sequitchie, of Chelsea, both of Indian Territory, hereby certify that we have carefully interpreted the above contract to David Muskrat and Daniel Gritts, and that they fully understand and indorse it as drawn in accordance with their direction, and that they sign it of their own free will and accord and for the purposes therein set forth.

Witness our hands this 24th day of February, 1900.

J. HENRY DICK.
JOSEPH R. SEQUITCHIE.

UNITED STATES DISTRICT FOR THE WESTERN DISTRICT OF ARKANSAS,
Fort Smith:

This day personally appeared before me the parties to the above contract, to wit, David Muskrat, of Flint district; Daniel Gritts, of Tahlequah district, and Frank J. Boudinot, of Fort Gibson, all of the Cherokee Nation, parties of the first part, and John Vaile, of Fort Smith, Ark., party of the second part, as stated to me at the time, who executed the above contract in my presence at the city of Fort Smith, on the 24th day of February, 1900, all of said parties being present and executing the same in person, said contract having been interpreted to David Muskrat and Daniel Gritts in my presence, as certified above, by J. Henry Dick and Joseph R. Sequitchie. The parties of the first part claimed to be authorized, as the executive committee of the Eastern or Emigrant Cherokees, under the authority of a resolution of the council and convention of the Eastern or Emigrant Cherokees, held at the general convention grounds, at Bug Tucker's Springs, near Tahlequah, Cherokee Nation, on the 16th day of February, 1900, authorizing them to contract not exceeding 15 per centum of any sum or sums collected for the said Indians, (Copy hereto attached.)

In witness whereof I hereunto attach my hand on this 24th day of February, A. D 1900.

JOHN H. ROGERS,
U. S. District Judge for the Western District of Arkansas.

After making the foregoing contract we proceeded to the city of Washington, D. C., for the purpose of pressing the payment by the United States Government of its indebtedness to the Eastern or Emigrant Cherokees. We prepared a memorial to Congress praying for the payment per capita to the Eastern or Emigrant Cherokees of the money pledged to them in the ninth article of the treaty of 1846 and found due them in April, 1894, in what is commonly known as the "Slade-Bender award." Senator Cockrell, of Missouri, one of the ablest men in the United States Senate, presented our memorial with appropriate remarks and moved that it be printed as a public document and referred to the Committee on Indian Affairs, which was agreed to by the Senate of the United States. We attach hereto a copy of said document and ask that it be considered as a part of this report. We feel very much encouraged and have every reason to believe that the steps we have taken will cause this money to be appropriated by this Congress and paid out per capita at an early date to the people entitled to receive the same under the treaties. Your executive committee found that Gen. M. C. Butler, formerly Senator of the United States from the State of South Carolina, had a contract from the Cherokee Nation for 5 per centum to collect the sums due under the Slade-Bender award. General Butler has made many and earnest efforts to collect this money, and your committee has been forced to the opinion that the Eastern Cherokees can not afford to ignore General Butler or his friends. For that reason your committee suggests that the committee be authorized to adjust said contract, making a new contract with him and retaining a sufficient sum therefrom to provide a reasonable compensation to your committee for its services and for paying the expenses of the conventions and council of the Eastern Cherokees.

Respectfully submitted.

DAVID MUSKRAT,
DANIEL GRITTS,
FRANK J. BOUDINOT,
Executive Committee of the Eastern Cherokees
By FRANK J. BOUDINOT.

Said report having been fully discussed and thoroughly considered by the said council, the following resolution was offered by Mr. James Duncan, to wit:

Be it resolved by this council of the Eastern Cherokees, That the report of the executive committee of the Eastern Cherokees is hereby adapted, and the contract entered into by them with John Vaile, of Fort Smith, Ark., for the collection of the amount due the

Eastern Cherokees from the United States be, and the same is hereby, ratified and confirmed: *Provided*, That said executive committee shall have no power or authority whatever to contract, assign, or set over, in any manner whatsoever, any amount in addition to said 15 per centum named as the fee to be received in full for all services and expenses incident to the collection of said amount from the United States in the said contract with John Vaile, in lieu of any contract with the Cherokee Nation, by way of compromise or otherwise.

Said resolution, after due and thorough discussion, was passed by a unanimous vote of the council.

Mr. Frank J. Boudinot, of Illinois district, thereupon offered the following resolution, to wit:

Be it resolved by this council of the Eastern Cherokees: That the council of the Eastern Cherokees insist upon the immediate payment to them of the amount due them under the Slade-Bender award, and earnestly protest against being compelled to put their interests again in controversy before the courts, for the reason that they have a complete accounting made in their favor by an authorized tribunal under a contract and law, which, by the terms thereof, was to be conclusive, and which the Assistant Attorney-General of the United States, Hon. George H. Shields, in his opinion submitted to Congress, declared would be a full and final settlement. We earnestly protest that this final settlement should not now be construed as not final but only the beginning of litigation.

No men, or no set of men, are authorized to commit us to any other position, or to agree to send us to the courts; nor are we willing to go to the courts until Congress has actually refused the payment of this just obligation.

The said above resolution was passed unanimously by the council.

There being no further business before the council, upon motion duly made the council of the Eastern Cherokees adjourned to meet upon call of the president.

We, the officers of the council of the Eastern Cherokees, hereby certify that the above and foregoing 21 pages of writing, numbered consecutively from 33 to 53, both inclusive, is a full, true, and complete record of all the proceedings (including resolutions, reports of committees, etc.) of the convention and council of the Eastern Cherokees, held at the general convention grounds, at Bug Tucker's Springs, near Tahlequah, Tahlequah district, in the Cherokee Nation, on the third and fourth days of April, A. D. 1900.

DANIEL REDBIRD,
President of the Eastern Cherokee Council.
JO. R. SEQUICHIE,
Secretary to keep records in Cherokee (pro tem).
FRANK J. BOUDINOT,
Secretary to keep records in English.
WILLIAM EUBANKS,
Interpreter.
J. HENRY DICK,
Interpreter.

Proceedings of the council of the Eastern or Emigrant Cherokees of the Cherokee Nation, assembled at the general convention grounds, at Bug Tucker's Springs, near Tahlequah, Cherokee Nation, September 4, 1901, for carrying out treaty of 1846 by said Nation and the Government of the United States, and for other purposes.

Pursuant to the following call, duly issued by Daniel Redbird, president of the Eastern or Emigrant Cherokee council, and Daniel Gritts, secretary, dated August 15, 1901, and duly published in the Tahlequah Arrow newspaper and otherwise given general circulation

throughout the Cherokee Nation, which call was in the words and figures following, to wit:

CALL OF EASTERN OR EMIGRANT CHEROKEE COUNCIL.

The Eastern or Emigrant Cherokee council is hereby called to meet Wednesday, September 4, 1901, at the general convention grounds at Bug Tucker's Springs, Tahlequah district, Cherokee Nation, to receive reports of committees, to discuss the rights of the Eastern or Emigrant Cherokees, and to take such action relative thereto as may be found expedient.

DANIEL REDBIRD,
President of the Eastern Emigrant Cherokee Council.
DANIEL GRITTS,
Secretary.

And the said call of this council being in pursuance of the authority of the resolutions passed by the general conventions and councils of the Eastern or Emigrant Cherokees of February 14, 15, and 16, 1900, and of April 3 and 4, 1900, the following proceedings took place:

Hon. Daniel Redbird, president of the council, called the meeting to order at 3 o'clock p. m., September 4, 1901. Hon. Charley Gettingdown, member from Flint district, acted as chaplain and exhorted the members to remember that in all they did they were under the eye of Almighty God, whose approbation and protection they could expect only in doing right. After singing by the council and prayer by Mr. Getting down the roll of members of the permanent council was called as follows, to wit:

Coowescoowee district.—James M. Keys, George Pumpkin, J. R. Sequichie, George Glass, and John Grass.

Canadian district.—James W. Duncan, William Eubanks, and Wallace Ross.

Going Snake district.—Ben Mocker, Lincoln England, and Oce Dew.

Sequoyah district.—Tom Blair, John Silk, John Duncan, and Blue Downing.

Saline district.—Charley Ketcher, George Potatoe, and John Sharp.

Illinois district.—R. M. Walker, E. A. Walker, Johnson Manning, and Frank J. Boudinot, English secretary.

Flint district.—Wyly Bolin, Charley Gettingdown, and Charkey Bendabout.

Tahlequah district.—Phillip Bennett, Robert Meigs, Alex. Deerinthewater, Gilbert Ross, and Will Glory.

Delaware district.—Joe Coming, Peter Nick, James Hildebrand, and Lincoln Towie.

Officers. Daniel Redbird, president; David Muskrat, first assistant; Wolf Coon, second assistant; Daniel Gritts, secretary; Chas. D. Waters, interpreter; J. Henry Dick, assistant interpreter.

Hon. Daniel Gritts, secretary, thereupon reported the following vacancies, to wit, Will Glory, deceased; George Glass, deceased; Lincoln Towie, resigned; Joe Coming, resigned.

Upon motion duly made by Hon. John Grass, member from Coowescoowee district, seconded and carried, the president and his two assistants were thereupon authorized and directed to fill said vacancies in the permanent council by appointment.

Appointments were made to fill the vacancies reported as follows:

Eli Snell, to fill vacancy caused by resignation of Joe Coming, from Delaware district.

Jesse Crittenden, to fill vacancy caused by death of Will Glory, from Tahlequah district.

Tom Horn, to fill vacancy caused by death of George Glass, from Cooweescoowee district.

Peter Doublehead, to fill vacancy caused by the resignation of Lincoln Towie, from Delaware district.

The vacancies having been filled and the permanent council being organized and ready for the transaction of business, the president of the council, Hon. Daniel Redbird, submitted the report of the executive committee transmitting the report of John Vaile and the contract made by and between the executive committee and John Vaile, April 20, 1901, for the consideration and action of the council.

The hour being late, the council thereupon adjourned till 9 o'clock a. m., September 5, 1901.

GENERAL CONVENTION GROUNDS, BIG TUCKER'S SPRINGS,
September 5, 1901—9 o'clock a. m.

The permanent council of the Eastern or Emigrant Cherokees met pursuant to adjournment. The reports of John Vaile and the executive committee and the contract of April 20, 1901, after the regular morning singing and prayer, were duly read and interpreted and considered and discussed at great length. Upon motion, the council took a recess for one hour for dinner.

The council reconvened at 2 o'clock p. m. and resumed consideration of the reports and contract aforesaid. The rereading and reinterpretation, and discussions, both in the Cherokee and English languages, consumed the afternoon, and at 7 o'clock the council took a recess of one hour for supper.

The council reconvened at 8 o'clock p. m. and resumed consideration of the business in hand.

Upon motion duly made by Hon. John Silk, member from Sequoyah district, and seconded by Hon. Johnson Manning, member from Illinois district, the council voted to accept the report of the executive committee and to ratify the said contract, the vote upon said motion being unanimous.

Whereupon Hon. Johnson Manning, member from Illinois district, offered the following resolution, to wit:

Be it resolved by the permanent council of the Eastern, or Emigrant, Cherokees, That the revised and corrected contract made and entered into with John Vaile, esq., by the executive committee of the Eastern, or Emigrant, Cherokees, at Fort Smith, Ark., on the 20th day of April, 1901, a copy of which is herein set forth, to wit: "Contract, between David Muskrat, of Flint district, Daniel Gritts, of Tahlequah district, and Frank J. Boudinot, of Illinois district, the executive committee of individuals known as Eastern, or Emigrant, Cherokees, and John Vaile, of Fort Smith, Ark., for the collection of certain moneys due the Eastern, or Emigrant, Cherokees."

Know all men by these presents, that this, a contract made in writing and in duplicate, a copy whereof is hereby delivered to each of the contracting parties, witnesses that we, David Muskrat, attorney, of Flint district, Daniel Gritts, attorney, of Tahlequah district, and Frank J. Boudinot, of Fort Gibson, Illinois district, attorney at law, all being residents of the Cherokee Nation and constituting the executive committee of the Eastern or Emigrant Cherokees under the authority of the conventions or councils of the Eastern Cherokees by resolutions duly passed at Big Tuckers Springs, Cherokee Nation, on the 16th day of February, A. D. 1900, and on the 4th day of April, A. D. 1900, copies of which are hereto attached and made a part hereof, acting for ourselves and other Eastern Cherokees and their heirs or legal representatives,

parties of the first part, and John Vaile, counselor, of Fort Smith, State of Arkansas, party of the second part, contract and agree as follows, to wit:

First. This contract is made at Fort Smith, in the State of Arkansas, on the 20th day of April, 1901, for the purpose of collecting the money due the Eastern or Emigrant Cherokees under the treaties between the Cherokee Nation and the United States, and particularly under the fifteenth article of the treaty of 1835 and the ninth article of the treaty of 1846, said money being due by the United States and being particularly set forth in the so-called Slade-Bender report, as rendered by them on the 28th day of April, 1894, and found on page 32, House of Representatives Executive Document No. 182, Fifty-third Congress, third session, in the second item of their said findings, to wit:

"Under the treaty of 1835: Amount paid for removal of Eastern Cherokees to the Indian Territory, improperly charged to treaty fund, $1,111,284.70, with interest from June 12, 1838, to date of payment."

Said money is to be disposed of when collected in the manner set forth in the ninth article of the treaty of 1846 and paid out per capita to the Eastern Cherokees or their legal representatives, except the fees hereby set apart and contracted by the parties of the first part to the party of the second part for his expenses and services and the expenses and services of his associates or assigns, to wit, a sum equal to 15 per cent on all sums appropriated to the use or benefit of the said Eastern or Emigrant Cherokees by the Congress of the United States on account of such claim.

The said party of the second part hereby agrees to immediately proceed to the collection of the said money and to pay all of the expenses which may be incurred by him or by his associates in the prosecution of the said collection without any expense to the parties of the first part; and the parties of the first part do, for valuable consideration, especially the expenses and services rendered in this behalf during the first and second sessions of the Fifty-sixth Congress, the receipt whereof is hereby acknowledged, hereby contract to pay to the said party of the second part and his associates or assigns a sum equal in amount to 15 per cent on any recoveries to the Eastern or Emigrant Cherokees as we are authorized to do under the resolutions of the councils of the said Eastern or Emigrant Cherokees as above referred to; and the said party of the second part is hereby authorized to execute a receipt for the said 15 per cent; when the same shall have been appropriated and the warrants issued, or execute any other proper releases required by the officers of the United States, in the name and on behalf of the said Eastern or Emigrant Cherokees. The party of the second part further expressly agrees that the payment of the said fee of 15 per cent shall cover and include all expense of any kind and character whatever. It is expressly understood and agreed that said Eastern or Emigrant Cherokees do not herein propose to recognize any contracts made or authorized by the Cherokee Nation for the collection of such claim, but that this is the only contract for its collection authorized or recognized by the Eastern or Emigrant Cherokee council.

The above contract shall be limited in time and shall continue in force until July 1, 1901, and no longer, except the question as to said indebtedness shall have been then referred to the courts or other tribunal; then, and in that event, such contract, and assignments or agreements thereunder, shall be and remain in full force and effect.

This contract is in lieu of all previous contracts and is the only contract recognized by the Eastern or Emigrant Cherokee council.

In witness whereof we do hereto attach our hands and seals on this the 20th day of April, 1901, at Fort Smith, Ark.

The executive committee of the Eastern or Emigrant Cherokees, parties of the first part:

DAVID MUSKRAT. [SEAL.]
DANIEL GRITTS. [SEAL.]
FRANK J. BOUDINOT. [SEAL.]

Party of the second part:

JOHN VAILE. [SEAL.]

INTERPRETER'S CERTIFICATE.

I, J. Henry Dick, of Tahlequah, Ind. T., do hereby certify that I have carefully interpreted the foregoing contract to David Muskrat and Daniel Gritts, and that they fully understand and indorse it as drawn in accordance with their direction, and that they sign it of their own free will and accord and for the purposes therein set forth.

Witness my hand this the 20th day of April, 1901.

J. HENRY DICK.

UNITED STATES DISTRICT FOR THE WESTERN DISTRICT OF ARKANSAS, *Fort Smith:*

This day personally appeared before me the parties to the above contract, to wit, David Muskrat, of Flint district; Daniel Gritts, of Tahlequah district, and Frank J.

Boudinot, of Fort Gibson, Illinois district, all of the Cherokee Nation, parties of the first part, as stated to me at the time, who executed the above contract in my presence at the city of Fort Smith, State of Arkansas, on the 20th day of April, 1901, all of said parties being present and executing the same in person, said contract having been interpreted to David Muskrat and Daniel Gritts in my presence as certified above by J. Henry Dick. The parties of the first part claimed to be authorized as the executive committee of the Eastern or Emigrant Cherokees under the authority of a resolution of the council and convention of the Eastern or Emigrant Cherokees held at the general convention grounds at Bug Tuckers Springs, near Tahlequah, Cherokee Nation, on the 16th day of February, 1900, and also a like resolution of same authority at same place on April 4, 1900, authorizing them to contract a sum equal to an amount not exceeding 15 per cent of any sum or sums collected for said Indians. (Copy attached.)

In witness whereof I hereunto attach my hand on this the 20th day of April, A. D. 1901.

JOHN H. ROGERS,
United States District Judge for the Western District of Arkansas.

together with the report of the executive committee, is hereby accepted, ratified, and confirmed.

The above resolution having been read and interpreted and the hour being late (about 11.30 p. m.), upon motion duly made the council adjourned until 9 o'clock a. m., September 6, 1901.

GENERAL GROUNDS FOR CONVENTIONS,
BUG TUCKERS SPRINGS,
September 6, 1901 — 9 o'clock a. m.

The permanent council of Eastern or Emigrant Cherokees met pursuant to adjournment. The roll was called and a quorum was present. After the usual morning religious exercises, singing and prayer, the resolution introduced last night to accept, ratify, and confirm the contract between the executive committee and John Vaile, dated April 20, 1901, together with the report of the executive committee, was read and interpreted a second time. After some discussion Hon. Robert Meigs, member from Tahlequah district, made a motion, which was duly seconded and agreed to, to take a vote on the said resolution. Whereupon, the roll being called, the said above resolution was passed by a unanimous vote of the council. The council having completed the business before it, and having been notified that its proceedings and resolutions had been duly approved by the president, upon motion adjourned sine die, subject to the call of the president.

The above and foregoing 5 typewritten pages of minutes are hereby approved as true and correct.

Original signed in Cherokee.

DANIEL REDBIRD,
President.
FRANK J. BOUDINOT,
Secretary to keep Records in English.
DANIEL GRITTS,
Secretary to keep Records in Cherokee.
J. HENRY DICK,
Interpreter.

OMISSION.

The minutes should show that Hon. Charles D. Waters, interpreter, was on September 4, 1901, reported dead, and Hon. J. Henry Dick, heretofore assistant interpreter for the permanent council of the Eastern or Emigrant Cherokees, was at once declared by a unanimous vote of the council to be interpreter ex officio.

FRANK J. BOUDINOT, *Secretary.*

FORT GIBSON, IND. T., *September 29, 1901.*

Proceedings of the permanent council of the Eastern or Emigrant Cherokees of the Cherokee Nation in the Indian Territory, assembled at the general convention grounds, near Tahlequah, Cherokee Nation, on the 28th day of April, 1904.

Pursuant to the following call, duly issued by Hon. David Redbird, president of the permanent council of the Eastern or Emigrant Cherokees in the Indian Territory, duly signed and attested by Daniel Gritts, secretary, which call was as follows, to wit:

CALL OF THE EASTERN OR EMIGRANT CHEROKEE COUNCIL.

The permanent council of the Eastern or Emigrant Cherokees in the Indian Territory is hereby called to meet Thursday, September 28, 1904, at the general convention grounds, at Bug Tucker's Springs, Tahlequah district, Cherokee Nation, Indian Territory, to receive reports of committees, to discuss the rights of the Eastern or Emigrant Cherokees, and to take such action relative thereto as may be found expedient.

DANIEL REDBIRD,
President of the Permanent Council of the Eastern or Emigrant Cherokees.
DANIEL GRITTS,
Secretary.

The permanent council of the Eastern or Emigrant Cherokees of the Cherokee Nation in the Indian Territory, met at 10 o'clock a. m., April 28, 1904. The president, Hon. Daniel Redbird, and the first assistant president, Hon. David Muskrat, and the secretaries, Hon. Daniel Gritts and Frank J. Boudinot, and the assistant interpreter, Hon. J. Henry Dick, were present. The roll of the members of the council was called, and no quorum answering to their names, the council adjourned until 9 o'clock a. m., April 29, 1904.

General convention grounds of the Eastern or Emigrant Cherokees in the Indian Territory. Met pursuant to adjournment. The roll of membership was called, as follows, to wit:

Coowescoowee district. James M. Keys, George Pumpkin, J. R. Sequichie, John Grass.

Illinois district. R. M. Walker, E. A. Walker, Johnson Manning, Frank J. Boudinot.

Canadian district. James W. Duncan, William Eubanks, Wallace Ross.

Going Snake district. Ben Mocker, Lincoln England, Oce Dew.

Sequoyah district. Thomas Blair, John Silk, John Duncan, Blue Downing.

Flint district. Wyly Bolin, Charley Gettingdown, Charley Bendabout.

Tahlequah district. Phillip Bennett, Robert Meigs, Alex. Deerinthewater, Gilbert Ross, Jesse Crittenden.

Delaware district.—Eli Snell, Peter Nick, James Hildebrand, Peter Doublehead.

Saline district.—Charley Ketcher, George Potatoe, John Sharp.

Officers.—Daniel Redbird, president; David Muskrat, first assistant president; Wolf Coon, second assistant president; Daniel Gritts, secretary; Richard M. Wolfe, interpreter; J. Henry Dick, assistant interpreter; Frank J. Boudinot, English secretary.

A quorum was present. Thereupon Hon. David Muskrat at the request of the president of the council stated that the objects of the called session of the council were:

First. To provide for the compensation of the officers and members of the permanent council of the Eastern or Emigrant Cherokees in the Indian Territory.

Second. To consider the advisability of bringing certain other suits against the United States in the name of the Eastern Cherokees as a "Band."

Whereupon, upon motion duly made and carried unanimously, Hon. Richard M. Wolfe, of Tahlequah, Ind. T., was elected by acclamation as interpreter vice Charles D. Waters, deceased, and the council proceeded to the consideration of the business submitted to it.

Upon motion, by Mr. John Grass, of Cooweescoowee, which motion was carried by a unanimous vote, a committee consisting of five members of the permanent council was appointed to take into consideration the matters submitted and to report their recommendations thereon.

A recess was taken pending the report of said committee of five, and, after three hours, that is to say, at 3 o'clock p. m., the said committee reported the following resolution and recommended its passage, to wit:

Resolution providing for payment for services and expenses to the president, vice-president, interpreter, and executive committee of the Eastern Cherokees in the Indian Territory, and for other purposes, including per diem of members.

Whereas the attorneys representing the Eastern, or Emigrant, Cherokees in the Indian Territory, employed under authority of resolutions of February 16, 1900, April 4, 1900, and September 6, 1901 for the purpose of collecting certain moneys due said Cherokees under the treaty of 1835, the treaty of 1846, and the agreement of 1891, as found and reported in the report of Messrs. James A. Slade and Jos. T. Bender, dated April 28, 1894, have expressed their willingness that two-fifteenths of the 15 per cent contracted and agreed to be paid to them for their services and expenses therein shall be used for the purpose of paying for the services and expenses of the officers and members of the Eastern, or Emigrant, Cherokee permanent council in the Indian Territory: Therefore,

Be it resolved by the permanent council of the Eastern, or Emigrant, Cherokees in council assembled, That two-fifteenths of the 15 per cent contracted and agreed to be paid to the said attorneys by resolutions passed February 16, 1900, April 4, 1900, and September 6, 1901 (the said 15 per cent for attorneys' fees and all expenses to be deducted from any moneys which may be collected from the United States Government for said Eastern, or Emigrant, Cherokees), be, and the same is hereby, set aside for the following purposes to wit:

1. To pay for the services and expenses of members of the Eastern, or Emigrant, Cherokee permanent council. The members of the council shall be paid $5 per diem for actual time served, and for going to and coming from the council, for each meeting of the council attended. Members from Cooweescoowee district, Canadian, Delaware, and Sequoyah districts shall be allowed three days each for going and three days each for returning, six days in all.

Members from Illinois, Goingsnake, and Flint districts, and Saline district, shall be allowed two days each for going and two days each for returning, four days in all. Members from Tahlequah district shall be allowed one day each for going and one each for returning, two days in all.

All accounts for services rendered and expenses incurred by said members shall be presented to the president and vice-presidents of the permanent council of the Eastern, or Emigrant, Cherokees for approval.

Be it further resolved, That after all amounts shall have been allowed according to the above provisions the balance or residuum of the said 2 per cent shall be paid to the executive committee and to the president, vice-presidents, interpreters, and other officers, if any, of the Eastern, or Emigrant, Cherokee organization. When accounts as provided shall be approved, it shall be the duty of the president to issue a certificate for each account or claim, stating the whole amount allowed. In case any member or officer shall be dead, the amount due him shall be paid to his heirs or legal representatives.

Be it further resolved, That it shall be the duty of the executive committee and the attorneys of the permanent council of the Eastern or Emigrant Cherokees and are hereby authorized and empowered to do and perform all acts necessary and proper to secure the payment of all the accounts allowed as shown by seal certificates issued, which sums shall be paid out of the said two-fifteenths of the 15 per centum provided by resolutions above referred to: *Provided, however*, That nothing herein contained shall be construed to authorize the use, for any purpose whatsoever, of any sum in excess of the 15 per centum agreed to be paid to the attorneys for their services and expenses, and for all other expenses.

Said resolutions having been read and interpreted three several times, and having been thoroughly debated, was passed by unanimous vote of the council; whereupon, the said resolution having been approved by the officers of the organization, and there being no further business before the council, upon motion the permanent council of the Eastern or Emigrant Cherokees, at 9 o'clock p. m., adjourned sine die, subject to call of the president.

The above and foregoing four typewritten pages of minutes of the permanent council of the Eastern or Emigrant Cherokees, convened April 28, 1904, and adjourned April 29, 1904, are hereby approved as true and correct.

Signed in Cherokee.

DANIEL REDBIRD,
President.

Signed in English.

FRANK J. BOUDINOT,
Secretary to keep records in English.

Signed in Cherokee.

DANIEL GRITTS,
Secretary to keep records in Cherokee.

Signed in English.

RICHARD M. WOLFE,
Interpreter.

Proceedings of the permanent council of the Eastern or Emigrant Cherokees of the Cherokee Nation, in the Indian Territory, assembled at the general convention grounds, near Tahlequah, Cherokee Nation, on the 10th day of May, 1906.

Pursuant to call duly issued by the president of the Eastern or Emigrant Cherokee council in the following form, to wit:

You are hereby notified that a meeting of the Eastern or Emigrant Cherokee council is called for Thursday, the 10th day of May, A. D. 1906, to convene at 10 a. m., at Bug Tuckers Springs in Tahlequah district, for the purpose of transacting such business as may be submitted to you. You are requested to be present without fail.

J. HENRY DICK, *Acting Secretary.*
RICHARD M. WOLFE, *President.*

which call was mailed by United States mail to each member of the permanent council. The permanent council of the Eastern or Emigrant Cherokees in the Indian Territory met on the 10th day of May, 1906, at the general convention grounds at Bug Tuckers Springs, near Tahlequah. At 10 o'clock a. m. Hon. Richard M. Wolfe arrived and presented himself as the president of the council in the place of Hon Daniel Redbird, deceased, having been elected to the office of head captain of the Keetoowah Society and ex officio president of the Eastern or Emigrant Cherokee council. Hon. David Muskrat not having arrived, the council was not called in session until his arrival, at 4 o'clock p. m. At 4 o'clock p. m. council convened, the presiding officer and secretary being present. The roll was called, and the following-named members answered to their names:

Cooweescoowee district.—James M. Keys, George Pumpkin, and John Grass.

Canadian district.—James W. Duncan, William Eubanks.

Flint district.—Charley Gettingdown, Charley Bendabout.

Delaware district.—Eli Snell, James Hildebrand, and Peter Doublehead.

Illinois district.—Johnson Manning, Frank J. Boudinot.

Goingsnake district.—Lincoln England.

Tahlequah district.—Robert Meigs.

Canadian district.—James W. Duncan, William Eubanks, and Wallace Ross.

A quorum of all members of the permanent council being present and answering to their names, the secretary reported the following vacancy to have been reported: R. M. Walker, dead, Flint district, and said vacancy was duly filled according to custom. Several resignations of members having been tendered and accepted, and the vacancies thus caused having been duly filled according to custom, the roll was again called and the following persons answered present:

Saline district.—Young Deer, Cheerie Wilson, Wilson Coming.

Flint district.—Bill Mankiller, George Ducer, Candy Mink, and Charley Gettingdown.

Tahlequah district.—Robert Meigs, John Muskrat, Price Cochran, John Hicks.

Illinois district.—Frank J. Boudinot, Dick Agent, Lewis Crapo.

Delaware district.—Joe Fox, Jim Hildebrand, Eli Snell, and Peter Doublehead.

Cooweescoowee district.—James M. Keys, John Grass, Stealer Swimmer, and George Pumpkin.

Canadian district.—John Sharp, James W. Duncan, William Eubanks.

Sequoyah district.—Lewis Beamer, Nick Comingdeer, Charley Bendabout.

Goingsnake district.—Lincoln England, Jackson Redbird, John Tehee, Paul Glass, and Wallace Ross.

The officers present were: Richard M. Wolfe, president; Hon. David Muskrat, first assistant president; Frank J. Boudinot, English secretary, and J. Henry Dick, interpreter.

Hon. Daniel Gritts, Cherokee secretary, being reported dead, the council elected John Muskrat to fill the vacancy caused by his death.

Hon. Richard M. Wolfe sealed to the council that the object of the call was to submit the report of the executive committee and to recommend that provision be made for compensation of members and

officers of the Eastern Cherokee council, executive committee, and interpreter. He further sealed that the report of the executive committee was not in writing, but had been made to him verbally to the effect that the most sweeping victory had been made by our attorney.

He recommended that the council take such steps as might seem proper to provide for a just and reasonable compensation to all parties who had served so faithfully in behalf of the Eastern or Emigrant Cherokees. Mr. Wolfe spoke in English, and he was followed by Hon. David Muskrat, who spoke in the Cherokee language. Prayer was then offered by Mr. Gettingdown. Mr. Boudinot moved that the recommendation of the president be referred to a committee of five members with instructions to consider and report thereon. The motion was carried, and the chairman, Mr. Jim Hildebrand, appointed Mr. Boudinot, Mr. Hicks, Mr. Snell, Mr. Grass, and Mr. Bendabout as the committee.

The hour being late, upon motion of Mr. Boudinot the council adjourned until 8 o'clock a. m. May 11, 1906.

GENERAL CONVENTION GROUNDS,
BUG TUCKER'S SPRINGS,
May 11, 1906—8 o'clock a. m.

The permanent council of the Eastern or Emigrant Cherokees met pursuant to adjournment, the chairman presiding. The roll was called, and all members answered to their names.

Mr. Keys moved that the chairman appoint a water carrier for this session of council. The motion was agreed to, and Sam Beamer was appointed water carrier. Mr. Grass asked that a collection be taken up to pay the water carrier, which was done. Mr. Duncan moved that the council take a recess to enable the committee considering the president's recommendations time to prepare their report. The motion was agreed to, and a recess was taken until 1.15 p. m.

The permanent council reconvened at 1.15 p. m. The roll was called, and all members answered present. The committee to whom was referred the recommendations of the president responded with the following resolution and recommended its adoption, to wit:

Resolution No. 1.

Whereas the efforts of the representatives of the Eastern or Emigrant Cherokees to collect the per capita money due them from the United States have at last resulted in a sweeping victory, as evidenced by judgment of the United States Supreme Court handed down on May 1, 1906; and

Whereas it is proper that suitable expression of appreciation of difficult management of this great case to so successful issue shall be officially given by this council, and the just and reasonable compensation shall be allowed the faithful officers and members of this council, through whose fidelity and true services, extending over a period of more than six years, our cause has been won: Therefore

Be it resolved by the permanent council of the Eastern or Emigrant Cherokees, That our heartfelt thanks and gratitude are hereby extended to the Keetoowah Organization of the Cherokee Nation, without whose firm and ever consistent aid our people could never have won this great victory.

Be it further resolved, that the Congress of the United States is hereby petitioned to make immediate payment of the money due us, and to provide for the distribution of this fund without delay to our people in accordance with the judgment of the Supreme Court of the United States; and

Resolved further, that Congress is hereby petitioned to make suitable provision for payment for the attendance of the members of the permanent council at the various meetings held by the permanent council to include travel going and returning; and

Resolved further, that Congress is hereby petitioned to authorize the Court of Claims to allow a reasonable fee to the members of our executive committee and interpreter and the other officers of the Eastern or Emigrant Cherokees for their services in the successful management of this great case.

Be it resolved further, that the Court of Claims is hereby petitioned to allow the fees pledged by our council in the John Vaile contract to our attorneys, who have, with such fidelity, zeal, and distinguished ability, conducted this case to a successful conclusion.

Provided, That the pay of members and officers, including the executive committee and all attorney's fees and expenses of any character whatever shall in no event exceed 15 per cent of the amount recovered.

The foregoing resolution was read and interpreted three several times, thoroughly discussed, and adopted by a unanimous vote.

Mr. Duncan offered the following resolution:

Resolution No. 2.

Be it resolved by the permanent council of the Eastern or Emigrant Cherokees: That the executive committee, together with the president of the permanent council of the Eastern or Emigrant Cherokees, be hereby directed to proceed at once to Washington, D. C., there to represent the interests of the Eastern or Emigrant Cherokees under their present authority, and to take all needful steps to secure immediate payment to our people of the money recovered, especially insisting upon such legislation and adoption of such methods in providing the details of the distribution as will preclude any possibility of an unclaimed surplus remaining in the Treasury of the United States. They are further directed to apply to the Secretary of the Interior or other proper authority and ask that the Eastern or Emigrant Cherokees may be represented in preparing the rolls of persons to participate in the distribution of said money, by appointment by the president of this council or one of more persons for that purpose.

Resolved further, That for the services and expenses of the said executive committee and president hereunder they shall be paid such reasonable sums as may be agreed upon and allowed by the officers of the United States Government, which payment for such services and expenses shall be in addition to all other amounts which may be allowed and paid under other resolutions.

The foregoing resolution was read and interpreted three several times and passed by a unanimous vote.

The Grass offered the following resolution:

Resolution No. 3.

Be it resolved by the permanent council of the Eastern or Emigrant Cherokees: That all accounts of members and officers of this council for per diem and traveling expenses shall be certified by the secretary to the president and vice-president of the permanent council of the Eastern or Emigrant Cherokees for approval, and when said accounts shall be approved it is hereby made the duty of the president and secretary to issue a certificate to each member stating the whole amount allowed. In case any member or officer shall be dead, the amount due him shall be paid his heirs or legal representatives.

The foregoing resolution was read and interpreted three several times and passed by a unanimous vote.

There being no further business before the council, having received notice that the three resolutions passed had been duly approved by the president of the council, the members joined in singing praises to God and were afterwards led in prayer by Eli Snell. After which, upon motion duly made, the permanent council of the Eastern or Emigrant Cherokees adjourned sine die, subject to call of the president

The above and foregoing five and about one-third pages of typewritten minutes of the proceedings of the permanent council of the

Eastern or Emigrant Cherokees, convened on the 10th day of May, 1906, and adjourned on the 11th day of May, 1906, are hereby approved as true and correct.

RICHARD M. WOLFE,
President of the Permanent Council of the Eastern or Emigrant Cherokees.
JOHN MUSKRAT,
Secretary to keep records in Cherokee.
FRANK J. BOUDINOT,
Secretary to keep records in English.
J. HENRY DICK,
Interpreter.

Proceedings of the permanent council of the Eastern or Emigrant Cherokees, of the Cherokee Nation, in the Indian Territory, assembled at the general convention grounds, near Tahlequah, Cherokee Nation, on the 13th day of August, 1906.

ANNUAL SESSION.

The permanent council of the Eastern Cherokees in Indian Territory met in annual session on this August 13, 1906, at 2 o'clock p. m., and the following members were present:

Saline district.—Young Deer, Cherrie Wilson, Wilson Coming.

Flint district.—Bill Mankiller, George Duck, Candy Mink, Charley Gettingdown.

Delaware district.—Joe Fox, Jim Hildebrand, Eli Snell, Peter Doublehead.

Cooweescoowee district.—James M. Keys, John Grass, Stealer Swimmer, George Pumpkin.

Tahlequah district.—Robert Meigs, John Muskrat, Price Cockran, John Hicks.

Illinois district.—Frank J. Boudinot, Dick Agent, Lewis Crapo.

Goingsnake district.—Lincoln England, Jackson Redbird, John Teehee, Paul Glass, Wallace Ross.

Canadian district.—John Sharp, James W. Duncan, William Eubanks.

Sequoyah district. Lewis Beamer, Nick Comingdeer, Charley Bendabout.

Richard M. Wolfe, president; Dave Muskrat, first vice-president; Frank J. Boudinot, English secretary.

A quorum being present, upon motion an adjournment was taken till the 16th of August to allow the Keetoowah Society the use of their grounds and shed for their annual convention.

August 16, 1906, 8 o'clock p. m., the permanent council of the Eastern Cherokees met pursuant to adjournment. The roll was called and a quorum was present. Hon. Richard M. Wolfe, president, addressed the council and submitted the final report of John Vaile, attorney. Frank J. Boudinot, on behalf of the executive committee, submitted its report and recommended the adoption of resolution covering certain grounds, which recommendation was referred to a special com-

mittee of five, composed of Messrs. John Grass, John Hicks, John C. Duncan, Wilson Coming, and Eli Snell. Thereupon the council adjourned till August 17, 1906, at 8 a. m.

AUGUST 17, 1906.—8 o'clock a. m.

The permanent council of the Eastern Cherokees met pursuant to adjournment. The roll was called and a quorum was present. The special committee, to whom was referred the recommendations of the executive committee, report by proposed resolutions and asked the adoption of same. The proposed resolutions were read and interpreted and ordered spread out in these minutes.

The proposed resolutions are as follows:

Resolution No. 1.

Providing for the prosecution of the injunction suit recently instituted in the supreme court of the District of Columbia by Frank J. Boudinot against E. A. Hitchcock, Secretary of the Interior, and Charles H. Treat, Treasurer of the United States, and for other purposes.

Be it resolved by the permanent council of the Eastern Cherokees in the Indian Territory, That the report of the executive committee submitting the final report of John Vale, attorney, be, and the same is hereby, adopted, and the executive committee are tendered the thanks of the permanent council.

Resolved further, That the president of the Eastern Cherokee council be, and he is hereby, authorized and directed to give all proper assistance in the name of the Eastern Cherokees to the prosecution of the suit in equity recently instituted in the supreme court of the District of Columbia by Frank J. Boudinot against E. A. Hitchcock, Secretary of the Interior of the United States, and Charles H. Treat, Treasurer thereof, to prevent the payment by them, or either of them, of certain moneys belonging to the Eastern Cherokees to Edgar Smith, of Vinita, Ind. T., and other lawyers of St. Louis, Mo., on account of an alleged contract made by Thomas M. Buffington, principal chief of Cherokee Nation, on the 16th day of January, 1903, the amount claimed by said attorneys being about $150,000. And to this end he is directed and authorized to contract with the attorneys now prosecuting said suit, Messrs. Poe and Putnam, of Washington, D. C., to pay them for their services and expenses a reasonable sum out of the money saved to the Eastern Cherokees, said fee to be wholly contingent upon defeating the payment of said sum of money to said attorneys, and in the event said money shall be paid to said attorneys, Edgar Smith and others, notwithstanding the efforts of Poe and Putnam, then and in that event nothing whatever shall be paid to said Poe and Putnam for the services and expenses therein expended.

Resolved further, That the president of the Eastern Cherokee council be, and he is hereby, directed to act in the name of this organization and for and in behalf of all Eastern Cherokees and to represent them before the authorities of the United States Government in all matters touching the speedy and proper completion of the pay roll to be prepared according to the judgment recently handed down by the court at Washington; and

Whereas it is probable and practically certain that after the lapse of fifty-four years many—nearly all—of the original beneficiaries whose names appear on the roll of 1851 are dead, and many have died leaving no heirs or legal representatives.

Be it further resolved, That the president of the Eastern Cherokee council be, and he is hereby, further directed to do all in his power and to use all lawful available means at his command to secure the passage by the Congress of the United States of an act providing that the shares of all deceased original beneficiaries whose names are on the roll of 1851, where no heirs or legal representatives can be found to whom payment of said shares may be lawfully made, shall be covered into the fund to be distributed among the persons whose names appear upon said roll and whose heirs or legal representatives can be found.

For the purpose of carrying out the authority and instructions herein contained the president of the Eastern Cherokee council is hereby authorized and empowered to appoint one or more assistants or agents if he deems best, said assistants or agents to have and exercise such authority and power as the said president may delegate to them, not in any event to exceed his own power and authority herein conferred, and in addition to the authority and instructions hereinbefore given the said president, his assistants or agents are particularly instructed, in the event the said money [illegible]

by said Edgar Smith and other attorneys shall in any manner be paid out of the Eastern Cherokee money, to bring proper suit therefor against the United States or to take such other steps as may be necessary before the courts, committees of Congress, or the Executive Departments of the United States Government to have any and all such sums of money wrongfully diverted or withdrawn from the Eastern Cherokee fund reimbursed and paid to the Eastern Cherokees according to the judgment of the Court of Claims.

Passed the permanent council of the Eastern Cherokees on this 17th day of August, 1906, and was approved by the officers of the Eastern Cherokee Council, as follows:

JIM HILDEBRAND,
Chairman.
LEVI B. GRITTS, *Clerk.*

Approved August 17, 1906.

RICHARD M. WOLF,
President of Permanent Council Eastern Cherokees.
FRANK J. BOUDINOT,
English Secretary.

The vote upon the final passage of said above resolutions after the same had been read, interpreted, and thoroughly discussed, was unanimous.

The council then ordered the English secretary to certify the time of services of members and officers according to resolutions of April 29, 1904, and May 11, 1906, as follows:

	Days.	Amount.		Days.	Amount.
Richard M. Wolfe	200	$1,000	Paul Glass, Tahlequah	15	$75
Heirs of Daniel Redbird, deceased	50	250	Robert Meigs, Tahlequah	25	125
Heirs of Wolfe Coon, deceased	25	125	Gilbert Ross, Vera	10	50
George Pumpkin, Choteau	3	15	William Glory, Tahlequah	3	15
George Glass, Foyil	3	15	Tom Blair, Tahlequah	10	50
Johnson Manning, Tahlequah	25	125	Blue Downing, Locustgrove	10	50
William Eubanks, Tahlequah	3	15	Jim Hildebrand, Zena	30	150
Wyly Boin, Bunch	12	60	Eli Snell, Southwest City, Mo.	19	95
Charley Gettingdown, Stilwell	20	100	Peter Doublehead, Stilwell	12	60
Charley Bendabout, Stilwell	20	100	Youngdeer, Oaks	6	30
Lincoln England, Barron	25	125	Chnie Wilson, Locustgrove	6	30
Oce Dew, Tahlequah	12	60	Joe Fox, Southwest City, Mo.	13	65
George Duck, Stilwell	9	45	Bill Mankiller, Stilwell	6	30
Candy Mink, Stilwell	6	30	Lige Hildebrand, Zena	18	90
Stealer Swimmer, Tahlequah	8	40	John Grass, Catoosa	20	100
Price Cochran, Hulbert	10	50	Wm. J. McKee, Tahlequah	15	75
John Hicks, Gideon	24	120	John C. Duncan, Oehelata	20	100
John Sharp, Tahlequah	3	15	Wallace Ross, Chelsea	20	100
Dick Agent, Moody	9	45	James W. Duncan, Tahlequah	15	75
Lewis Crapo, Campbell	3	15	Jesse Redbird, Stilwell	18	90
Lewis Beamer, Moody	25	125	John Silk, Maple	6	30
Nick Cowingdeer, Tahlequah	25	125			4,280
Wilson Coming, Peggs	6	30	Jas. M. Keys, Pryor Creek	25	125
Soldier Tolan, Braggs	8	40	Total		4,405
Jackson Redbird, Stilwell	16	80			
John Tehee, Tahlequah	9	45			

Whereupon, all business being completed, upon motion duly made and carried the permanent council of the Eastern Cherokees in Indian Territory adjourned sine die subject to call of the president.

The foregoing minutes of proceedings are approved.

RICHARD M. WOLFE, *President.*
DAVID MUSKRAT, *First Vice-President.*
JIM HILDEBRAND, *Second Vice-President.*
J. HENRY DICK, *Interpreter.*

Attest:

FRANK J. BOUDINOT,
English Secretary.

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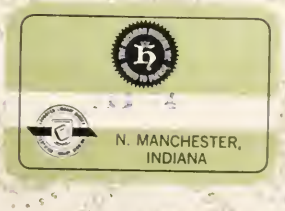
N. MANCHESTER,
INDIANA

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